



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

MAY 26 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7015 3010 0001 6837 7708

Mr. Luis A. Figueroa, President
Caribbean All Metal Recyclers Corp.
P.O. Box 116, Saint Just Station
Carolina, PR 00978

Re: Caribbean All Metal Recyclers Corp.
Rd 848, Km 2.9, San Anton Ward
Carolina, PR 00978
RCRA § 3007 Information Request

Dear Mr. Figueroa:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. §§ 6901, 6928.

On or about June 3, 2015, a duly authorized representative of EPA conducted a Resource RCRA Hazardous Waste Compliance Evaluation Inspection (CEI) of Caribbean All Metal Recyclers Corp. located at Rd 848, Km 2.9, San Anton Ward, Carolina, Puerto Rico pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. The primary goal of that CEI was to evaluate your facility's management practices for spent lead-acid batteries (SLABs). Such management practices include activities related to the export of SLABs for reclamation in a foreign country. Your facility did not make available documentation that it had met the notification and consent requirements for exporting SLABs. Citing the need to consult with your attorney, you chose not to allow the EPA representative to obtain copies of bills of lading for shipments of SLABs made from May 2015 through the date of that inspection. On or about July 10, 2015, a second duly authorized representative of EPA made a follow-up visit to your facility to request copies of bills of lading for all SLAB shipments in May and June 2015, and the requested copies were provided to EPA by email on July 21, 2015. This letter requests additional information regarding the management of SLABs by your facility.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272.

The Commonwealth of Puerto Rico is not authorized by EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926, and it is therefore not authorized to

enforce RCRA. EPA has retained its authority to enforce the hazardous waste rules and regulations in the Commonwealth of Puerto Rico.

This letter consists of a RCRA § 3007 Information Request which seeks additional information pertaining to the management of solid and hazardous waste at Caribbean All Metal Recyclers Corp. This request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, which requires that you provide the information requested in **Enclosure I** to this letter using the instructions and definitions provided in **Enclosure II**. This information is required to evaluate the full regulatory and compliance status of Caribbean All Metal Recyclers Corp. The information requested in **Enclosure I** must be submitted no later than fifteen (15) calendar days from receipt of this letter.

Requests for additional time to provide the information requested in **Enclosure I** must be justified and must be made within ten (10) calendar days of receipt of this letter. The response to **Enclosure I** must be certified and signed by a responsible official or agent of Caribbean All Metal Recyclers Corp. using **Enclosure III**.

Failure to respond to this letter truthfully and accurately within the time provided may subject Caribbean All Metal Recyclers Corp. to sanctions authorized by federal law including, but not limited to, a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928 including the assessment of a monetary penalty. Please also note that all information you provide may be used in an administrative, civil judicial or criminal action. This information is not subject to the requirements of the Paperwork Reduction Act as amended, 44 U.S.C. § 3501 et seq.

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or enclosing with) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential." The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

The response to the information request in **Enclosure I** must be mailed to the following addressee:

Mr. Sam Kerns
Environmental Engineer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2

290 Broadway, 21st floor
New York, NY 10007-1866

For ease of review, please provide your answers in a format which is keyed to the questions as outlined in **Enclosure I** to this letter.

If you have any questions regarding this matter, please contact Mr. Kerns at (212) 637-4062 or kerns.sam@epa.gov. In addition, you may consult the EPA website [<http://www.epa.gov>] which includes, among other resources, (1) Requirements for Transboundary Shipments of Specific Wastes [<https://www.epa.gov/hwgenerators/requirements-transboundary-shipments-specific-wastes>] (*click on the "Spent Lead-Acid Batteries (SLABs)" tab*) and (2) RCRA Online [<http://www.epa.gov/epawaste/inforesources/online/index.htm>], a database designed to enable users to locate documents, including publications and other outreach materials, which cover a wide range of RCRA issues.

Sincerely yours,



for Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I RCRA §3007 Request for Information

 Enclosure II Instructions and Definitions

 Enclosure III Certification of Answers

cc: Nilda del Mar Sanchez Santiago, Esq.
 EQB
 Land Pollution Director
 PO Box 11488
 San Juan, PR 00910

ENCLOSURE I

RCRA § 3007 Information Request Caribbean All Metal Recyclers Corp.

On or about June 3, 2015, a duly authorized representative of EPA conducted a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Compliance Evaluation Inspection (CEI) of Caribbean All Metal Recyclers Corp. located at Rd 848, Km 2.9, San Anton Ward, Carolina, Puerto Rico pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. The primary goal of that CEI was to evaluate the facility's management practices for spent lead-acid batteries (SLABs). Such management practices include activities related to the export of SLABs for reclamation in a foreign country. The facility did not make available documentation that it had met the notification and consent requirements for exporting SLABs. Citing the need to consult with his attorney, the facility's president chose not to allow copies to be made of bills of lading for shipments of SLABs made from May 2015 through the inspection date, and he ended the inspection. On or about July 10, 2015, a duly authorized representative of EPA made a follow-up visit to Caribbean All Metal Recyclers Corp. to request copies of bills of lading for all SLAB shipments in May and June 2015, and the requested copies were provided by email on July 21, 2015.

In follow-up to that inspection and follow-up visit, the information requested below is needed to determine the compliance status of your facility. **Please provide the information requested no later than fifteen (15) calendar days from receipt of this letter. Requests for additional time must be justified and must be made within ten (10) calendar days of receipt of this letter.**

Request 1

Since July 2010, exports of spent lead-acid batteries from the United States for recovery has been prohibited unless the exporter has submitted a notification and obtained consent from EPA and the receiving country.

- a) 40 C.F.R. Part 266, Subpart G specifies the requirements applicable to SLABs being reclaimed. If the batteries are exported to a foreign country for reclamation, the exporting facility is subject to 40 C.F.R. Part 261 and §262.11. If shipping to a country that is not a member of the Organization for Economic Co-operation and Development (OECD) (such as China), then 40 C.F.R. Part 266, Subpart G requires the exporting facility to comply with select requirements of 40 C.F.R. Part 262, Subpart E.
- b) More specifically, a primary exporter of hazardous waste, such as SLABs, must notify EPA of an intended export before such waste is scheduled to leave the United States. The notification should be submitted at least sixty (60) days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the primary exporter, and include the information specified at 40 C.F.R. § 262.53(a).

Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460. Hand-delivered notifications should be sent to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW, Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."

- c) Caribbean All Metal Recyclers Corp. made at least seven (7) shipments of SLABs to Sanshan, China in or around June 2015.
- d) Please provide a copy of the Notification (or Notifications) of Intent to Export SLABs to China that Caribbean All Metal Recyclers Corp. submitted to EPA before the first shipment of SLABs to China commenced. Provide proof of delivery, if available, such as a Certified Mail Return Receipt.
- e) If EPA provided to Caribbean All Metal Recyclers Corp. an Acknowledgement of Consent before the shipments referenced above in Paragraph (c) were made, please provide a copy.

Request 2

Since July 2010, exports of spent lead-acid batteries from the United States for recovery has been prohibited unless the exporter has submitted a notification and obtained consent from EPA and the receiving country.

- a) 40 C.F.R. Part 266, Subpart G specifies the requirements applicable to SLABs being reclaimed. If the batteries are exported to a foreign country for reclamation, the exporting facility is subject to 40 C.F.R. Part 261 and §262.11. If shipping to a member country of the Organization for Economic Co-operation and Development (specified in 40 C.F.R. 262.58(a)(1) (this includes the Republic of Korea), then 40 C.F.R. Part 266, Subpart G requires the exporting facility to comply with 40 C.F.R. Part 262, Subpart H.
- b) More specifically, a primary exporter of hazardous waste, such as SLABs, must notify EPA of an intended export before such waste is scheduled to leave the United States. The notification should be submitted at least forty-five (45) days before the initial shipment is intended to be shipped off site. Before the commencement of each transboundary movement, the exporter must provide written notification in English of the proposed transboundary movement to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, with the words "Attention: OECD Export Notification" prominently displayed on the envelope. This notification must include all of the information specified at 40 C.F.R. § 262.83(d). In cases where wastes having similar physical and chemical characteristics,

the same United Nations classification, the same RCRA waste codes, and are to be sent periodically to the same recovery facility by the same exporter, the exporter may submit one general notification of intent to export these wastes in multiple shipments during a period of up to one (1) year.

- c) Caribbean All Metal Recyclers Corp. made least twenty-three (23) shipments of SLABs to Pusan, Korea in or around May and June 2015.
- d) Please provide a copy of the Notification (or Notifications) of Intent to Export SLABs to the Republic of Korea that Caribbean All Metal Recyclers Corp. submitted to EPA before the first shipment of SLABs to Korea commenced. If available, please provide proof of delivery such as a Certified Mail Return Receipt.
- e) If EPA provided to Caribbean All Metal Recyclers Corp. one or more Acknowledgements of Consent before the shipments referenced above in Paragraph (c) were made, please provide a copy of it (or them).

ENCLOSURE II

RCRA § 3007 Information Request Caribbean All Metal Recyclers Corp.

Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses (**ENCLOSURE III**).
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is Caribbean All Metal Recyclers Corp.

11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.
13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

ENCLOSURE III

**RCRA § 3007 Information Request
Caribbean All Metal Recyclers Corp.**

Certification of Answers to Responses to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE

